

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES B. ESTELL,

Petitioner,

v.

DOERER, Warden,

Respondent.

No. 1:24-cv-01357-KES-SKO (HC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING
PETITION FOR WRIT OF HABEAS
CORPUS, AND DIRECTING CLERK OF
COURT TO ENTER JUDGMENT AND
CLOSE CASE

Doc. 5

Petitioner Charles B. Estell is a federal prisoner proceeding pro se and in forma pauperis with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On December 13, 2024, the assigned magistrate judge issued findings and recommendations to dismiss the petition for lack of jurisdiction. Doc. 5. Those findings and recommendations were served upon all parties and contained notice that any objections thereto were to be filed within twenty-one (21) days after service. No objections have been filed, and the

1 deadline to do so has expired.¹

2 In accordance with the provisions of 28 U.S.C. § 636(b)(1), the Court has conducted a de
3 novo review of the case. Having carefully reviewed the file, the Court concludes that the findings
4 and recommendations are supported by the record and proper analysis.

5 In the event a notice of appeal is filed, a certificate of appealability will not be required
6 because this is an order denying a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241,
7 not a final order in a habeas proceeding in which the detention complained of arises out of
8 process issued by a state court. *Forde v. U.S. Parole Commission*, 114 F.3d 878 (9th Cir. 1997);
9 *see Ojo v. INS*, 106 F.3d 680, 681-682 (5th Cir. 1997); *Bradshaw v. Story*, 86 F.3d 164, 166 (10th
10 Cir. 1996).

11 Accordingly,

12 1. The findings and recommendations issued on December 13, 2024, Doc. 5, are
13 adopted in full;
14 2. The petition for writ of habeas corpus is dismissed for lack of jurisdiction;
15 3. The Clerk of Court is directed to close this case; and
16 4. In the event a notice of appeal is filed, no certificate of appealability is required.

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19 IT IS SO ORDERED.

20 Dated: January 19, 2025



UNITED STATES DISTRICT JUDGE

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28 ¹ The Court notes that the findings and recommendations were returned as undeliverable on
January 13, 2025.